

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

THE ESTATE OF YARON UNGAR,  
et al

v.

THE PALESTINIAN AUTHORITY,  
et al

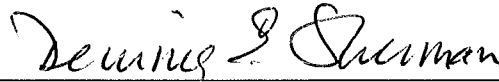
C.A. No. 00-105L

**PALESTINIAN DEFENDANTS' MOTION FOR LEAVE  
TO FILE RESPONSE TO PLAINTIFFS' SURREPLY IN  
FURTHER SUPPORT OF DEFENDANTS' RULE 12(b)(1)  
MOTION TO DISMISS THE AMENDED COMPLAINT**

Defendants The Palestinian Authority and The PLO respectfully move for an Order granting them leave to file the attached proposed Response to Plaintiffs' Surreply which was filed on or about October 14, 2003.

A Memorandum is filed herewith.

October 28, 2003



Deming E. Sherman (#1138)  
Annemarie M. Carney (#6380)  
EDWARDS & ANGELL, LLP  
2800 Financial Plaza  
Providence, Rhode Island 02903  
401-274-9200  
401-276-6611 (FAX)

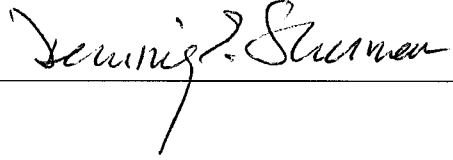
Ramsey Clark  
Lawrence W. Schilling  
36 East 12th Street  
New York, NY 10003  
212-475-3232  
212-979-1583 (FAX)

Attorneys for Defendants  
The Palestinian Authority and  
The PLO

246

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28th day of October, 2003, I mailed a copy of the within Motion to David J. Strachman, Esq., McIntyre, Tate, Lynch and Holt, Suite 400, 321 South Main Street, Providence, RI 02903.



---

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

THE ESTATE OF YARON UNGAR,	)	
et al	)	
	)	
v.	)	C.A. No. 00-105L
	)	
THE PALESTINIAN AUTHORITY,	)	
et al	)	
	)	
	)	
	)	

---

**MEMORANDUM IN SUPPORT OF  
PALESTINIAN DEFENDANTS' MOTION FOR LEAVE  
TO FILE RESPONSE TO PLAINTIFFS' SURREPLY IN  
FURTHER SUPPORT OF DEFENDANTS' RULE 12(b)(1)  
MOTION TO DISMISS THE AMENDED COMPLAINT**

On or about October 14, 2003, plaintiffs filed a motion for leave to file a surreply in opposition to defendants' Rule 12(b)(1) motion to dismiss, which the Court had earlier scheduled for hearing on Thursday, October 16, 2003. The papers on the Rule 12(b)(1) motion were filed on or about the following dates: the motion itself on June 13, 2003, plaintiffs' opposition on August 7, 2003 and defendant' reply on September 12, 2003. The reply included an article by Prof. John Quigley of the Ohio State University Law School published in 1997, discussing, among other things, the claim of Palestine to statehood.

The hearing on defendants' Rule 12(b)(1) motion took place as scheduled on Thursday, October 16, 2003. The Court also granted plaintiffs' motion for leave to file their surreply on October 15, 2003. The surreply included a supplemental declaration by Professor Ed Morgan of the University of Toronto Law School, whose declaration had previously been submitted by plaintiffs.

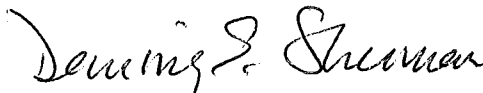
A response to the surreply is necessary to identify and address a basic inaccuracy and misconception in the surreply's presentation of Prof. Quigley's views.

The surreply erroneously attributes to Prof. Quigley the position that the PLO, as distinguished from Palestine, is a state. As defendants' proposed response shows, Professor Quigley's article presents the reasons Palestine is a state and makes no argument of statehood for the PLO.

The proposed response shows that Prof. Morgan is mistaken in ascribing to Prof. Quigley the view that the PLO is a state and in attaching decisive importance to distinctions between the PA and PLO that have little bearing on the statehood of Palestine. The proposed response also shows that the entitlement of the PA and the PLO to sovereign immunity and the protection of the bar to maintenance of this action against them presented by 18 U.S.C. sec. 2337(2) is properly based on the statehood of Palestine.

Respectfully submitted,

Dated: October 28, 2003



---

Deming E. Sherman (#1138)  
Annemarie M. Carney (#6380)  
EDWARDS & ANGELL, LLP  
2800 Financial Plaza  
Providence, Rhode Island 02903  
401-274-9200  
401-276-6611 (FAX)

Ramsey Clark  
Lawrence W. Schilling  
36 East 12th Street  
New York, NY 10003  
212-475-3232  
212-979-1583 (FAX)

Attorneys for Defendants  
The Palestinian Authority and  
The PLO

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28th day of October, 2003, I mailed a copy of the within Memorandum to David J. Strachman, Esq., McIntyre, Tate, Lynch and Holt, Suite 400, 321 South Main Street, Providence, RI 02903.

Denning J. Sherman